

REMARKS

Upon entry of this response, claims 1-2, 7-16, 21-34, and 39-53 are pending. Claims 1, 7-9, 15, 21-23, 33, 39-41 have been amended. Claims 3-6, 17-20, and 35-38 have been canceled. Claims 48-53 have been added. No new matter has been added by way of this response.

Support for the amendment to claims 1, 15, and 33 appears at least at claim 6, 20, and 38, respectively, as filed, and ¶0059. Support for the amendments to claims 7-9, 21-23, and 39-41 appears at least at claims 7-9, 21-23, and 39-41, respectively. Support for new claims 48-53 appears at least at ¶0067-¶0070.

Election/Restrictions Required

In response to the Office's species restriction requirement, Applicants *provisionally elect*, with traverse, to prosecute GROUP II, claims 15-32, drawn to a method for isolating DNA from plant tissue. Further, newly added claims 50-51 are dependent from claim 15 and are thus included in GROUP II for prosecution on the merits.

Applicant traverses the above referenced restriction requirement.

A restriction requirement is not proper when there is a technical relationship among inventions involving one or more of the same or corresponding special technical features. PCT rule 13.2; see MPEP §1850. The term "special technical features" is defined as meaning those technical features that define a contribution which each of the inventions considered as a whole, makes over the prior art. Unity of invention under PCT Rule 13 permits the combination of an independent claim for a given product and an independent claim for a use of the said product. MPEP §1850(III)(A)(A).

Here, the composition, method of use claims, and kit claims share the technical feature of a mixture of cell wall degrading enzymes isolated from a TW-1 mutant strain of *Trichoderma longibrachiatum* useful for isolating DNA from plant tissue. Thus there exists a technical relationship among the inventions.

For the above reasons, Applicant asserts the present restriction requirement is not proper and respectfully requests the Office to withdraw the required election.

CONCLUSION

Applicants believe that the claim as presented represents allowable subject matter. If the Examiner desires, Applicants welcome a telephone interview to expedite prosecution. As always, the Examiner is free to call the undersigned at the number below. Applicants believe there are no additional fees due at this time. However, the Commissioner is hereby authorized to charge any applicable fees to Deposit Account No. 19-3140.

Respectfully submitted,

SONNENSCHN NATH & ROSENTHAL LLP

By: /David R. Metzger/
David R. Metzger
Registration No. 32,919
Customer No. 26263
Telephone No. 312.876.2578

ATTORNEYS FOR APPLICANT